

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREAT AMERICAN INSURANCE	)	
COMPANY,	)	Civil Action No. 04-1148
Plaintiff,	)	
	)	
vs.	)	
	)	
NORWIN SCHOOL DISTRICT,	)	
Defendant and Third-Party	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SHOFF CONSTRUCTION & DESIGN	)	
INC. and FOREMAN PROGRAM &	)	
CONSTRUCTION MANAGERS, INC.,	)	
Third-Party Defendants.	)	

ORDER

AND NOW, this 20<sup>th</sup> day of March, 2006, after the Plaintiff, Great American Insurance Company, filed an action in the above-captioned case, and after motions for summary judgment were submitted by the Plaintiff, by the Defendant, Norwin School District, by Third-Party Defendant Shoff Construction & Design, Inc. and by Third-Party Defendant Foreman Program & Construction Managers, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by Third-Party Defendant Foreman Program & Construction Mangers, Inc. and the responses to those objections filed by Plaintiff, Defendant and Third-Party Defendant Shoff Construction & Design, Inc., and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 71), which is adopted as the opinion of this

Court,

IT IS ORDERED that the motion for summary judgment submitted on behalf of Plaintiff (Docket No. 43) is granted.

IT IS FURTHER ORDERED that the motion for summary judgment submitted on behalf of Third-Party Defendant Shoff Construction & Design, Inc. as to the cross-claims filed against it by Third-Party Defendant Foreman Program & Construction Managers, Inc. (Docket No. 48) is granted.

IT IS FURTHER ORDERED that the motion for summary judgment submitted on behalf of Defendant Norwin School District against Third-Party Defendant Foreman Program & Construction Managers, Inc. (Docket No. 49) is granted as to Counts V and VII of the Third-Party Complaint and denied with respect to Counts VI and VIII.

IT IS FURTHER ORDERED that the motion for summary judgment submitted on behalf of Third-Party Defendant Foreman Program & Construction Managers, Inc. (Docket No. 53) is granted with respect to Counts VI and VIII of the Third-Party Complaint and denied as to Counts V and VII.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

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